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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AUDUBON SOCIETY OF PORTLAND,
WILDLIFE CENTER OF THE NORTH
COAST, ANIMAL LEGAL DEFENSE
FUND, CENTER FOR BIOLOGICAL
DIVERSITY, FRIENDS OF ANIMALS,

Plaintiffs,

v.

U.S. ARMY OF ENGINEERS, U.S. FISH
AND WILDLIFE SERVICE, USDA
WILDLIFE SERVICES,

Defendants.

Case No.: 3:15-cv-00665-MO

DECLARATION OF BETH GINSBERG
IN SUPPORT OF NORTHWEST
RIVERPARTNERS' OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

1. My name is Beth Ginsberg. I am an attorney of record for Northwest RiverPartners ("RiverPartners"). I am fully familiar with and have personal knowledge of the facts set forth in this declaration, which I make in support of the RiverPartners' Opposition to

Plaintiffs’ Motion for Preliminary Injunction. If called to testify, I could and would competently testify to the facts stated in this Declaration.

2. Attached to this Declaration are true and correct copies of documents relied upon in RiverPartners’ Opposition to Plaintiffs’ Motion for Preliminary Injunction.

3. Attached as Exhibit A are true and correct copies of documents reporting on the State of Oregon’s efforts to obtain a depredation permit from the U.S. Fish and Wildlife Service.

4. The following documents are included in Exhibit A:

- a. Two 2011 issues of *Fishworks*, a newsletter published by the Oregon Department of Fish and Wildlife (“ODFW”);
- b. A programmatic overview of ODFW’s 2012-13 Avian Predation Program;
- c. The *Summary of Preliminary Juvenile Salmonid Consumption Estimates by Double-crested Cormorants in Tillamook Bay during April and May 2012* (Oregon State University, May 2012);
- d. An April 27, 2012 newspaper article from The Seattle Times entitled, “Oregon seeks to kill cormorants to protect endangered salmon”; and
- e. An April 27, 2012 article from the Columbia Basin Bulletin entitled, “Oregon Wants Access to ‘Lethal Management Tools’ in Reducing Salmon-Eating Cormorant Numbers.”

5. Attached as Exhibit B is a true and correct copy of select comments submitted on the *Double-crested Cormorant Draft EIS*, which are generally supportive of the management of double-crested cormorant populations, including the use of lethal take.

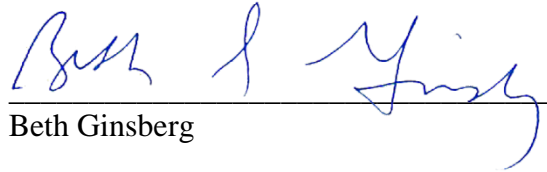
6. Attached as Exhibit C is a true and correct copy of excerpts from the *2014 Supplemental Biological Opinion, Consultation on Remand for Operation of the Federal Columbia River Power System*,¹ including an excerpt setting forth the basis for NOAA Fisheries’

¹ Available at http://www.westcoast.fisheries.noaa.gov/fish_passage/fcrps_opinion/federal_columbia_river_power_system.html.

“survival gap” analysis and Appendix E, Double-Crested Cormorant Estuary Smolt Consumption Bi-Op Analysis.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of May, 2015 at Portland, Oregon.


Beth Ginsberg

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2015, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court – District of Oregon by using the CM/ECF system. Participants in this Case No. 3:13-cv-00655-MO; who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Beth S. Ginsberg

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